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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/910,928	07/24/2001	Hideo Kato	35. C15601	3568	
	7590 11/08/2002				
FITZPATRICK CELLA HARPER & SCINTO			EXAMI	EXAMINER	
30 ROCKEFE NEW YORK,	LLER PLAZA NY 10112		DICUS, T	AMRA	
			ART UNIT	PAPER NUMBER	
			1774		
			DATE MAILED: 11/08/2002	+	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Commonstrate	le-			1)				
Examin r    Tamra L Dicus   1774		Application No.	Applicant(s)	Y				
Tarria L Dicus  1774  1	Office Astion Comments	09/910,928	KATO, HIDEO					
The MALING DATE of this communication appears on the cover she 1 with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Edemican for imam by be available used the previous of 3 CFR 1-136(e). In or event, however, may a reply be timely filed  ### the period for reply specified above is less than thirty (30) stays, a reply within the abultury ninhimum of thirty (30) stays, a reply with the specified above the previous distributory period will apply site (9) MONTH's from the maling date of this communication.  ### Filed by within the set or extended period for reply with, by minutin, sound his application to become ADMONEO (30 U.S.C. § 133).  ### Responsive to communication(s) filed on ### familia, sound his application to become ADMONEO (30 U.S.C. § 133).  ### Responsive to communication(s) filed on ### familia, sound his application to become ADMONEO (30 U.S.C. § 133).  ### Status  ### Responsive to communication(s) filed on ### familia, sound his application to the merits is closed in accordance with the practice under Ex partie Quayle, 1935 c.D. 11, 453 O.G. 213.  ### Disposition of Claims  ### Claim(s) ### familia accordance with the practice under Ex partie Quayle, 1935 c.D. 11, 453 O.G. 213.  ### Disposition of Claims  ### Claim(s) ### is are allowed.  ### Claim(s) ### is are allowed.  ### Claim(s) ### is are abulted to the previous and the previous accordance and the previous	Office Action Summary	Examin r	Art Unit					
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THE MAILING DATE OF THIS COMMUNICATION.  Extravious of time may be valided under the provides of 37 CPR 1.136(a). In no event, however, may a raply be timely filed after SX (6) MONTHS from the reading date of this communication.  It is a provided to the provided of the provided of the communication of the six (6) MONTHS from the reading date of this communication.  Failure to reply within the set of extended period for reply valid. Explain the property within the set of extended period for reply valid. Explain the property of the provided by the Office date than these months after the mailing date of the communication, even if timely filed, may reduce any Any reply received by the Office date than these months after the mailing date of the communication, even if timely filed, may reduce any Any reply received by the Office date than these months after the mailing date of the communication, even if timely filed, may reduce any Any reply received by the Office date than the seminar date the mailing date of the communication, even if timely filed, may reduce any Any reply received by the Status.  Status  Status  Responsive to communication(s) filed on 16 August 2002 (amendment).  Any poly received by the Status filed on 16 August 2002 (amendment).  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Explaint Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 16-23 is/are pending in the application.  4a) Of the above claim(s)		ears on the cover she 't with	the correspondence address					
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	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Infe						

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### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 16 and 21-23 rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,421,188 to Maehara.

Maehara teaches an optical element including a substrate of quartz or fluorite, with an antireflection/stress adjusting film of silica with fluorine injected ions into the film (equivalent to silica containing fluorine) on the substrate surface. See col. 3, lines 65-67, col. 4, lines 42-67, col. 5, lines 5-7, lines 52-63, and col. 6, lines 17-29.

## Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,421,188 to Maehara to USPN 5,028,967 to Yamada et al. and further in view of USPN 6,224,976 to Takushima et al.

Maehara essentially teaches the claimed invention. Maehara does not disclose the

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fluorine concentration of claims 17 and 18, or the refractive index range of claim 19. Yamada teaches an optical element such as a lens for ultraviolet rays that teaches using fluorine-containing silica glass, where the concentration of fluorine in silica is 2-4 mol percent, meeting Applicant's range of fluorine between 0.1 to 10, including not less than 1 mol percent. See col. 2, lines 25-30. Regarding the refractive index property between 1.6 to 1.80, while Yamada does not specifically disclose this property, it is inherently present since the same components are used. See also col. 4, lines 35-47. Maehara and Yamada are analogous art because both references are from the same field of endeavor, namely optic technology. Hence it would have been obvious to one of ordinary skill in the art to modify the optical element of Maehara to include fluorine in molar quantity for the purpose of optimizing purity as taught by Maehara at col. 3, lines 15-30.

Machara does not disclose adding MgF2, LiF, or Na3AlF6, as per instant claim 20. However, Takushima invention is directed to an optical laminated multilayer film with an antireflective layer comprising MgF2, LiF, and/or Na3AlF6. Takushima explains the aforementioned additives are known high-refractive index materials and useful for UV-cutting filters or sheets for television at col. 15, lines 29-50, col. 17, lines 44-55 and col. 18, lines 32-42. Machara and Takushima are analogous art because both references are from the same filed of endeavor, namely optic technology. Therefore, it would have been obvious to one of ordinary skill in the art to modify the optical element of Machara to further include a layer of MgF2, LiF, and/or Na3AlF6 for the purpose of providing high-refractive index useful for ultraviolet cutting sheets as taught by Takushima. The examiner has established a *prima facie* case of obviousness and has provided evidentiary support thereof for the rejection under 35 U.S.C. 103(a).

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abstract of JP 07244202 A teaches using MgF2, LiF, and Na3AlF6 for antireflection properties. Abstract of JP 61159602 A teaches a multilayer antireflection coat for optical elements comprising layers of MgF2, LiF, and Na3AlF6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is (703) 305-3809. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8329 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tamra L. Dicus Examiner

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CYNTHIA H. KELLY SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700

MHRelly

October 30, 2002